#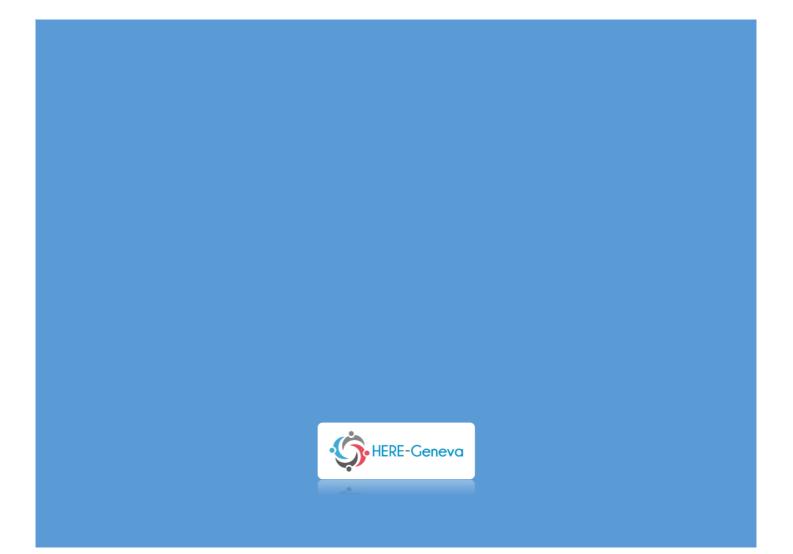 THE JIGSAW OF THE INTERNATIONAL HUMANITARIAN RESPONSE SYSTEM: TRENDS AND DEVELOPMENTS IN ORGANISING MORE EFFECTIVE DISASTER RESPONSE

HERE-Geneva

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Introduction

With the size of the global budget for humanitarian assistance at USD 22 billion in 2013[1], it can hardly be a surprise that there have been repeated calls for a better coordinated, more regulated, and organised international disaster response system. While the boundaries of the international system were defined at least some decades ago, there remain a number of policy issues that need to be resolved for this system to become more effective. This paper sets out a number of trends and developments, with the intention of describing the context of policies, in order to facilitate a conversation about steps. This will aid in accelerating progress to strengthen the facilitation and regulation of international disaster relief.

The paper largely speaks from the international perspective, and focuses on examining issues in the context of humanitarian response, which is a more specific set of actions than disaster relief. Disaster relief can be undertaken by an even wider variety of actors, which may include − in addition to humanitarian actors − military forces, the private sector, and other actors, such as diaspora groups. Given this reality, it has also been argued that there are multiple systems rather than one (centralised) system with the UN Emergency Relief Coordinator on top. This issue, along with others raised in this paper, point to the complexity of international response to disasters. There are many problems with no quick fixes, and the last two decades have seen several waves of initiatives in which humanitarian actors have appeared as competent and effective providers of relief. In addition to providing more detail on these initiatives, the focal point of this paper is on coordination, principles and standards, and accountability. The intention is to provide an objective and honest appraisal of the state of affairs, and to signal issues that need further attention and work.

The first section goes into the growth in terms of the number and diversity of actors. This growth is context-specific and can be regarded as both a positive and a challenging trend. More lives can be saved, which is great news, but access and entry for international actors may be an issue when a government feels overwhelmed by the international machinery. There is a risk of creating more confusion if the international response operations are not sufficiently coordinated and regulated.

The trend in international coordination, which is addressed in the second chapter, has been to emphasise the role of the United Nations (UN) system, which may be at odds with the central role of the government of the affected country in managing the disaster response. This issue needs to be addressed in order to reduce potential tensions between the international system and national actors.

With regard to regulating international disaster response, humanitarian principles must provide the solid foundation for any regulatory framework. The third chapter notes that they offer a common language, but that there are differences in the precise definitions and understandings among various groups of actors.

As with humanitarian principles, the importance of standards is generally recognised, as is the need to be held accountable against them. Different views exist, however, on the way in which this should happen. Chapter Four describes the debate on standards and the fundamental different approaches for achieving their implementation.

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[1] Global Humanitarian Assistance Report, 2014.

This fundamental difference appears in the debate on certification, which has been pushed by some organisations in the last several years. Certification is a controversial accountability mechanism, and many questions remain in regards to it moving forward.

The last chapter of the paper refers to a specific trend in humanitarian accountability: the strengthening of accountability towards crisis-affected populations, which has moved up on the international humanitarian agenda.

I   Trends in the Numbers and Diversity of Actors

The rise in the number of actors is likely to be among the first developments that outsiders will mention when they look at the trends and developments in the international humanitarian response system. This growth has been well-documented and extends to quantities and types of actors, levels of (financial) resources, and the types of activities and sectors covered[2]. The increased number of actors is a relevant starting point for a debate on legal frameworks regulating disaster response. While the instances where huge numbers of actors respond to disasters are relatively rare, the image of agencies crawling over each other in search for space to operate in is one that often stays within the public domain as a popular perception. It is a trigger for (heated) debates on whether or not and, if so, which, mechanisms should be implemented to reduce the rush of actors to a disaster area.

Precise figures on the increase in the number of actors delivering humanitarian response are impossible to give. Each disaster situation has its own context. If one is able to receive authorisation from relevant authorities of a disaster-affected country to carry out response programmes, little is in the way for an actor to be present. In exceptional situations, this permission does not even pose a barrier, simply because the government is unable to act out its function as gatekeeper. An often quoted figure in the response to the 2010 Haiti earthquake is the number of organisations that showed up at the coordination meeting of the actors involved in healthcare: over 400[3]. It is also said that the total number of non-governmental organisations (NGOs) operating in the country reached numbers as high as 12'000. The proximity to the US and other low-entry barriers[4] will have contributed to this mass arrival.

The growth of the humanitarian community is often attributed to the rise of so-called "new" or "emerging" actors coming from Arabic and Islamic countries, as well as the Gulf States. While it is certainly true that more faith-based organisations from Islamic countries have become increasingly active in humanitarian settings. Haiti in particular saw the arrival of groups based in North America, including many who have a background in the Haitian diaspora. This trend involving the emergence of "non-traditional actors," including representatives of diaspora communities, is one that is likely to continue.

One note of caution needs to be made: it is not only 'new actors' that are responsible for creating more complexity. For example, in Haiti, many governments sent search and rescue teams – consisting of what one analyst estimates at over than 1,800 people[5]. In Japan, the

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[2] See Ben Ramalingam and John Mitchell, Responding to changing needs? Challenges and opportunities for humanitarian action, Montreux XIII, meeting paper, November 2014.

[3] See, for example, Unni Karunakara, "Haiti where aid failed," in the Guardian, 28 December 2010.

[4] Including no visa requirements and affordable flights.

[5] See David Roberts, a lesson from Haiti: are search and rescue teams worth it?, February 2010, http://philanthropyaction.com/nc/a_lesson_from_haiti_are_search_and_rescue_teams_worth_it/

response to the 2011 Tōhoku earthquake and tsunami saw around 120 countries offering assistance, 50 of which were on the day that the earthquake and tsunami struck[6].

The other 2010 mega-disaster, the Monsoon floods in Pakistan, saw lower numbers of international humanitarian actors arriving in the country, than those seen in Haiti. Concerns over access and security may have been factors limiting the turn-out of international responders. In this case, the Government of Pakistan issued 'no-objection certificates' to regulate the entry and operations of organisations involved in the response. It should be noted that — as in many other disasters — the first wave of responders included the (Pakistani) military, local communities, and private initiatives from local philanthropists[7]. Several governments also sent military teams to assist in the response.

Calls and Offers of Assistance

Cyclone Nargis that hit Myanmar in May 2008 is probably one of the most extreme cases in recent times in which a government initially turned down offers from foreign countries and other actors to provide aid. While this cyclone has been qualified as one of the deadliest on record, the government was very slow in issuing visas for additional international staff trying to enter the country, despite the fact that they were working with organizations that had already a presence in the country before the cyclone[8]. Those who did not have such a presence were obliged to partner with organisations that were already present in the country. It took the creation of a tripartite body, the Tripartite Core Group (TCG) involving the government, the UN, and the Association of Southeast Asian Nations (ASEAN) to unlock the situation and facilitate trust, confidence and cooperation between Myanmar and the international community[9].

The relationship between the government of Myanmar and the international community had been highly sensitive, especially since the crackdown on Buddhist monks' protests by the government in September 2007[10]. The refusal of the government of Myanmar to allow and facilitate relief efforts was, for some actors, sufficient ground to invoke the concept of the responsibility to protect. This implies that states forfeit aspects of their sovereignty when they fail to protect their populations from mass atrocity crimes[11]. Whether or not the concept of the responsibility to protect applied in this situation has been an issue for debate, but it is clear that there are questions with regard to the responsibility of the government to seek international assistance when it lacks adequate response capacity. For the government, there may be pros and cons to refusing to make such an appeal. To add to this, even when humanitarian access may be available, the size and scale of humanitarian need in a country can be a highly delicate issue, especially when the government's and international actors' assessments and analyses are showing different pictures.

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[6] Figures taken from FACTBOX-Aid and rescue offers for Japan quake, Thomson-Reuters Foundation (2011), and the Guardian, Aid flows in from across the world, 14 March 2011.

[7] See Riccardo Polastro et al, Inter-agency Real Time Evaluation of the Humanitarian Response to Pakistan's 2010 Flood Crisis, DARA, 2010. p 33.

[8] See J. Benton Heath, Disasters, Relief, and Neglect: The Duty to Accept Humanitarian Assistance and the Work of the International Law Commission, in: NYU International Law and Politics, Vol 43. (2010-2011). p 419.

[9] See Rober Turner et al., Inter-Agency Real Time Evaluation of the Response to Cyclone Nargis, December 2008, p. 12.

[10] See Nathan Willis, "Natural Disaster, National Sovereignty and State Negligence: An International Law Analysis of the Denial of Emergency Relief after Cyclone Nargis in Myanmar (Burma)," 31 University of Tasmania Law Review (2012) p. 134.

[11] See Asia-Pacific Centre for the Responsibility to Protect, Cyclone Nargis and the Responsibility to Protect, Myanmar/Burma Briefing no. 2, 16 May 2008.

When comparing that with the international response to the Indian Ocean tsunami (2004) — which saw a massive influx of aid organisations in several countries — the inter-agency real time evaluation of the response to cyclone Nargis puts it as follows: [we are] "not recommending that host governments should impose severe restrictions on international aid workers whenever a large disaster strikes, but somewhere between the responses to cyclone Nargis and the 2004 Indian Ocean tsunami lies a balance that provides adequate, and timely, access to professional responders but does not open the doors to all."[12]

Diversity

The growth in numbers is paralleled with an increase in the diversity of actors. Diversity is viewed as both a welcome development and as a trend that should be approached with caution. Although the humanitarian sector has developed as a specialised field of activity, it also includes actors and organisations from all walks of life, no matter their backgrounds, cultures, or nationalities. The 2007 Principles of Partnership, a document that was the main product of the Global Humanitarian Platform (GHP), acknowledged the diversity of the humanitarian community as an asset.[13] The GHP was created as a reflection of the growing roles of non-UN humanitarian actors. In particular, it sought to create a platform for dialogue with national and local NGOs, including those from non-Western countries. Another authoritative document that recognizes the importance of diversity in humanitarian action is the EU Consensus on Humanitarian Aid.[14]

There are a number of reasons why diversity is seen as something that is positive and that adds value to the system. First of all, the 'humanitarian system' has often been labelled as a Western enterprise. The majority of the donors and the largest NGOs are from Western countries. With actors from increasingly diverse backgrounds delivering humanitarian response, there is a realisation that the concept of humanity is one that has a uniting character. This 'unity in diversity' strengthens the universal nature of humanitarianism.[15] Secondly, humanitarian action nowadays encompasses a broad range of diverse activities. Traditionally, humanitarian action has focused on saving lives, but in the last decade or so other priorities, such as education, gender, and protection have been added to the 'to-do' list of humanitarian actors. Local capacity-building, conflict-sensitive approaches, and strengthening resilience are the latest additions to the humanitarian agenda. A diverse community would be better equipped to respond to these multiple demands and expectations. Actors may decide which of these activities suits them best, given their background, experience, and expertise. Their different ways of working would also have the potential to be complementary and mutually reinforcing. Thirdly, the increased diversity of humanitarian actors also opens opportunities for increased resources, be they physical, human or financial. Countries from the Gulf or Arab world, and other emerging economies, for example, are turning into donors.

Diversity also brings up challenges, and may expose differences among actors. For example, if there is too much diversity in the types of actors and/or their actions, which are all labelled as humanitarian, the distinction between humanitarian and other forms of action may get blurred. Confusion may also arise in terms of who is following a humanitarian agenda and who is not. The actions of one actor may affect or even 'contaminate' the entire humanitarian community. Governments of crises-affected countries and other relevant authorities may become suspicious of the intentions and motivations of humanitarian actors.

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[12] Turner, *supra* footnote 8.

[13] See NGOs and Humanitarian Reform Project, Basic Information Leaflet Series, Principles of Partnership (2010)

[14] The European Consensus on Humanitarian Aid, section 3.4

[15] See further section on humanitarian principles, p 9.

Ways in which this trend can be reversed is to work towards better application of humanitarian principles and standards and to develop more robust accountability mechanisms.[16] Additionally, cooperation is seen as a way to manage the multitude and diversity of those responding to disasters.

Regulating Entry

In terms of regulating the flow of international actors to disaster hit areas, there are at least three entry points for the international community, which create opportunities that do not seem as being sufficiently used. First, the UN Disaster and Assessment Coordination (UNDAC) system deploys expert teams who provide support in the area of assessments (of needs), coordination, and data management in consultation with the government of the disaster-affected country. These teams can be deployed at very short notice and are, together with the UN Humanitarian (or Resident) Coordinator, one of the formal interfaces of the international humanitarian community with the government. The latest edition of the UNDAC field handbook, however, does not touch on the possible role of UNDAC in assisting the government in regulating the influx of international actors at all.[17]

Secondly, disaster preparedness offers a huge opportunity to review a country's legal frameworks and its procedures for regulating the entry of international actors and goods in times of disaster. One of the main areas of focus for the IFRC's Disaster Law Programme has been the need for countries to review their legal preparedness as part of their overall disaster preparedness planning. When looking at general disaster preparedness guidelines, policies and tools, however, much of disaster preparedness focuses on assessing capacity and vulnerability, developing contingency plans, and other technical issues. References in preparedness tools to the *Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance*, are an exception, instead of the rule.[18] There seems to still be room for the international community to better integrate legal aspects of regulating the response in its overall preparedness planning efforts with potentially affected states.

Thirdly, and lastly, logisticians are often on the frontline when it comes to working with customs for the quick passage of emergency relief items, and it is reasonable to expect that extensive knowledge and expertise among humanitarian logisticians exists in terms of how to improve customs regulations and procedures, in favour of international relief. Disaster response is time-sensitive, and expedited procedures for the clearing of goods can play a major role in saving (more) lives. At a recent meeting in Geneva hosted by the (UN) Office for the Coordination of Humanitarian Affairs (OCHA), a number of challenges when it comes to facilitating customs procedures were raised. These included the number of responders, the amount of in-kind relief, unsolicited relief items, poor documentation, abuse of relaxed procedures, lack of sufficient customs capacity, and the lack of knowledge or preparation on procedures available from humanitarian operations.[19]

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[16] See further section on accountability (IV), p 12 and further.

[17] See OCHA, United Nations Disaster Assessment and Coordination, UNDAC Field Handbook, 6th edition (2013).

[18] For such an exception see OCHA, Disaster Response in Asia and the Pacific, III. Tools and Services for Disaster Response Preparedness. However, a recent draft used for field testing of the 'Emergency Response Preparedness' (ERP) approach (October 2014) developed by the Inter-Agency Standing Committee (IASC) Task Team on Preparedness and Resilience fails to make any reference to legal preparedness.

[19] Notes from OCHA Humanitarian Networks and Partnership Week, Improving efficiency of dispatch of humanitarian assistance and customs processing, 11 February 2015.

A brief tour of the various relevant institutions, such as OCHA, the World Customs Organization, or the global logistics clusters tells that the overall reach and impact of their work seems to be limited. The global logistics cluster has produced an online operational guide, which provides limited guidance on customs issues.[20] OCHA has developed a Model Agreement between the United Nations and States or Governments concerning measures to expedite the import, export and transit of relief consignments and possessions of relief personnel in the event of disasters and emergencies. However, its website reveals that just a handful of governments have signed a customs agreement with OCHA.[21] The World Customs Organization (WCO) also has worked towards facilitating the movement of consignments of goods for humanitarian assistance. Its website contains some related instruments, but, again, it comes across as being out sync with what could be called the "big problems of relief."[22] Sending a custom specialist to the disaster-affected country to help facilitate procedures, for example, was recently qualified as beyond the WCO's capacity.[23] By contrast, the "one-stop shops" (OSS) established by the Philippines government in the response to typhoon Haiyan (locally known as Yolanda) facilitated the entry of personnel, goods, and equipment as these offices brought together representatives of relevant departments for rapid processing.[24]

II   Trends in Coordination

Coordination of the humanitarian response to a disaster is traditionally led by the government authorities of the affected country. The coordination structures for discharging this responsibility may vary from country to country. Nowadays, though, many countries have a national disaster management organisation and an inter-ministerial mechanism for coordination. These management organisations are often chaired by authorities related to the highest echelons of government, such as the office of the President.

Clusters

In cases where there is a call for international assistance, the UN generally assumes the role of coordinating the international actors in close collaboration with the government. Since 2005, the OCHA has led efforts to improve the coordination of the international humanitarian system by setting up a cluster system in which UN agencies assume a lead role for coordinating a specific response sector such as water and sanitation, food security, education or protection. These leading roles can be shared with government departments, international organisations (e.g. the International Organisation for Migration), or NGOs. The International Federation of the Red Cross and Red Crescent (IFRC) has a co-lead responsibility for shelter in the context of natural disasters. When it comes to the UN agencies that are also cluster lead-agencies, the division between the operational priorities of their agencies and their coordination responsibilities has been a continuing issue in terms of the potential tensions between these different roles.

The cluster system has been subject to much discussion, especially given that it is labour-intensive with many meetings taking place in capitals or coordination hubs. There has also been critique with regard to the clusters' focus on process, in particular information

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[20] See <http://log.logcluster.org/response/customs/index.html>

[21] http://www.unocha.org/what-we-do/coordination-tools/logistics-support/customs-facilitation

[22] J. Benton Heath, *supra* note 7.

[23] OCHA meeting notes, *supra* note 18.

[24] See Charles-Antoine Hofmann et al., Learning Review of the Cooperation between the Government of the Philippines and Humanitarian Actors in their Response to Typhoon Yolanda, Disaster Response Dialogue, June 2014. p 6.

gathering, instead of deepening the response by looking at contents and strategy.[25] Inter-cluster coordination — or coordination and prioritisation among the clusters — has been another area needing further attention with additional guidance being issued as late as November 2013.[26]

One issue generating discussion has been the role and involvement of the government in the clusters. In a number of countries, governmental authorities are co-chairing the cluster meetings. In some countries the government has set up its own clusters, sometimes overlapping or duplicating those set up by the international community. Clearly, the nature of the relationship between the government and the international community is dependent on the context. In general, the relationship will be much more strained in a situation of (non-international) armed conflict where the government is one of the warring parties, whereas in a natural disaster there will be close collaboration between the government and the international community. Natural disasters and armed conflict may happen in the same country, and even in the response to natural disasters. The relationship may become complicated when a government feels overwhelmed by the international machinery entering the country. A representative from the Philippines government, a country widely known for its openness, noted her reservations on the way the international community had implemented its response to Typhoon Haiyan in 2013. The Secretary of the Department of Social Welfare and Development, Corazon Juliano-Soliman, explained that the new international staff — who arrived in the Philippines after the typhoon — complicated the relationship as they behaved on the basis of "their experiences in failed or weak states."[27]

Protection

The architecture of the cluster system has also been the subject of debates. Since the late nineties, many humanitarian organisations, as well as protection-mandated organisations (such as the ICRC and UNHCR), have worked on conceptualising their roles and responsiblities, while developing their protection capacities.

From the start of the cluster approach, protection had been allocated to a separate cluster in the same way clusters have been set up for the 'service areas' of health; water, sanitation and hygiene; logistics; etc. This equal footing risks ignoring the strategic character of protection. The space for raising protection concerns with relevant authorities is defined by the overall terms of engagement and quality of the relationship of the UN system (and other international actors) with the authorities. If protection sits too low in the coordination architecture, these concerns may not sufficiently make their way up the chain.

While protection of the civilian population in war has been at the core of protection agenda, protection issues in natural disasters have also made their way up on the ladder of humanitarian priorities. The global protection cluster has an impressive list of tools and guidelines that seek to protect the most vulnerable individuals, groups and communities following a disaster.[28] Reviews and evaluations will have to assess how much these tools have been used in practice.

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[25] See, for example, FAO/WFP Joint Evaluation of Food Security Cluster Coordination in Humanitarian Action, evaluation report, (2014), p. ix

[26] Guidance on Inter-Cluster Coordination, OCHA, November 2013

[27] Secretary Corazon Juliano-Soliman, Department of Social Welfare and Development, Keynote Speech, Conference report, Disaster Response Dialogue, Global Conference, Manila, 13 and 14 November 2014

[28] See, for example, the tools and guidance developed by the global protection cluster: http://www.globalprotectioncluster.org/en/tools-and-guidance/essential-protection-guidance-and-tools/protection-in-natural-disasters-essential-guidance-and-tools.html

Transformative Agenda

Given a less than optimally functioning international system in the responses to the Haiti earthquake and Pakistan monsoon floods in 2010, the then-incoming Emergency Relief Coordinator (ERC), Valerie Amos, launched an effort to develop a so-called "transformative agenda" (TA) in late 2010.[29] This agenda, developed by the Inter-Agency Standing Committee (IASC), sought to enhance coordination. Their efforts included improving the functioning of the clusters, strengthening leadership, and putting stronger accountability mechanisms in place, especially for the accountability of humanitarian actors towards crises-affected populations.

Since its adoption, the TA has both been credited and criticised. It is credited for improving the coordination among UN agencies. It has also led to regular meetings between the IASC and international donors looking at various crisis situations. Critique on the TA has focused on the point that it is a UN-centric agenda, and that its transformative character only relates to the strengthening of the role and the capacity of OCHA and the UN agencies. A background study for the Disaster Response Dialogue (DRC) 2014 Global Conference notes that the TA actually risks to create confusion on the priorities of the international humanitarian system. Much of the global dialogue on humanitarian affairs emphasises the central role of affected states and the need to invest in local response capacities: priorities that vary from those put forward by the TA.[30] The July 2014 regional World Humanitarian Summit (WHS) consultation held in Tokyo went as far as to recommend that: "The United Nations and other international organisations need to re-examine their roles in the changing humanitarian landscape, recognising the leading roles national and local actors need to play in humanitarian action."[31]

A particular complication in terms of UN-led humanitarian coordination has been that of leadership. The Humanitarian Coordinator (HC)'s function is one that is usually held by the UN Resident Coordinator (RC), the most senior UN official in the country who manages the UN Country Team which is made up of all UN agencies in the country. The work of the RC and country team generally looks at long-term sustainable development in close collaboration with the government, while the HC role is one that is held on behalf of the broader humanitarian community.

The UN Humanitarian Coordinator does not have any authority, other than her/his intellectual leadership skills and capacity to persuade. Humanitarian coordination is a consensus-based and voluntary process: it does not follow a chain of command and control. It would be highly controversial for the HC and OCHA to combine and coordinate the humanitarian community in the sense of deciding on a division of labour.

The Humanitarian Country Team (HCT) — which is led by the HC — involves non-UN agencies (including both national and international NGOs), the Red Cross and Red Crescent Movement, and sometimes donor government representatives. This composition may give it the image of an exclusive club for the international community. The relationship between the HCT and government is not necessarily clear: while the national authorities retain the primary role in the initiation, organisation, coordination, and implementation of humanitarian assistance[32], it is the HC and HCT that are expected to lead the international response.

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[29] http://www.humanitarianinfo.org/iasc/pageloader.aspx?page=content-template-default&bd=87

[30] See, for example, The Role of National Governments in International Humanitarian Response, ALNAP Meeting Paper, 2010. See also Disaster Response Dialogue, Bridging National and International Support, http://www.drdinitiative.org/v2/?page_id=3&title=home

[31] World Humanitarian Summit, Regional Consultation North and South-East Asia, co-Chairs Summary, p. 2, 2014.

[32] Paragraph 4, UN General Assembly Resolution 46/182 (1991).

Repeatedly, government authorities from affected countries express concerns that it is difficult to keep an overview of the roles and activities of all international humanitarian actors in their country.[33]

On the part of the UN and other international actors, as noted, there is a general feeling that the TA has improved coordination. There is more buy-in to the coordination process and more predictability on the mechanisms. But it has also been noted that the UN is now adhering too strictly to a 'one size fits all' approach by implementing the same coordination mechanism everywhere, regardless of what exists locally. Instead, response and coordination should be contextualised, as what works in one situation may not work in another.

As noted, the TA does not address the long-term perspective of where the international system is heading in terms of its centre of gravity: a centralised, headquarters-driven system, or a system that is geared towards localised response, in which the default for international actors is to explain why they are present on the ground. Regional organisations may serve as an additional layer between these two options. The increased role of organisations in disaster response may have to do with factors such as the rise of emerging economies, the decentralisation of a number of international organisations, or, simply, because the number of natural disasters in their regions. The background study for the Disaster Response Dialogue Conference notes that regional organisation may be a bridge between national governments and the international community, however their capacity and level of humanitarian expertise varies significantly.[34]

In light of the multitude of actors and their different ways of working, the term 'inter-operability' has been making its way into the humanitarian lexicon. It suggests that, instead of trying to seek alignment and developing common goals for the response through coordination, different groups of actors should seek to find ways in which they can communicate and understand each other's intentions and objectives. This, in turn, raises the question on the common identity of those making up the humanitarian community. The common denominator for this community is the commitment to humanitarian principles.

III   Humanitarian Principles

Humanitarian Principles set the parameters in defining the relationships between the disaster-affected state, the disaster-affected population, and those delivering humanitarian assistance. Essentially, each of the three families of operational agencies has its own source where these principles have been laid down – they are largely similar, but there also some distinctive characteristics. The Annex of UN General Assembly (UNGA) Resolution 46/182 refers to a number of guiding principles, and paragraph 2 in particular cites the principles of humanity, neutrality, and impartiality. A later UNGA resolution on strengthening the coordination of humanitarian assistance also recognises independence as an important guiding principle.[35] These four principles are often referred to as the core principles of humanitarian action.[36] They have also been recognised by donor governments who endorsed "the principles and good practice of humanitarian donorship" in 2003. The European Union Consensus on Humanitarian Aid has also been valuable for its emphasis on humanitarian principles.[37]

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[33] See DARA and HERE-Geneva, Addressing the Perennial Problems of Disaster Response, Background Study for the Disaster Response Dialogue Conference, October 2014, p. 29
[34] Ibid, p. 25.
[35] UNGA Resolution 58/114 (2003)
[36] See OCHA on Message: Humanitarian Principles, Version I, 2010.
[37] See Voice, The European Consensus on Humanitarian Aid, an NGO perspective, May 2014.

The Red Cross and Red Crescent Movement has its own set of authoritative principles known as the 7 Fundamental Principles, first proclaimed in Vienna in 1965. In addition to the four core principles, the fundamental principles also include aspects that are essential to the Movement: unity, voluntariness, and universality.

Since 1994, the NGO community has its set of principles in the form of the Code of Conduct.[38] The Code has some noticeable differences: instead of the principle of humanity, it refers to the "humanitarian imperative." Additionally, the principle of neutrality is not explicitly mentioned as such[39], and the Code includes six other principles, which derive from a community-based, developmental approach to humanitarian response. It remains unclear to what degree these six principles should be considered as part of the humanitarian principles.[40] The Code also contains three annexes which elaborate the roles and responsibilities of other actors (disaster-affected states, donor governments, and international organisations). None of these actors, however, have ever been involved in the formulation of these annexes and other than being aspirational in their nature, their value seems to be limited.

While humanitarian principles have never been off the agenda, it should be noted that they have generated much attention in recent years. For instance, the IASC has recently put in place a Task Team to look at different ways of revitalising principled humanitarian action, the Red Cross and Red Crescent Movement has decided to make the 7 fundamental principles a central theme at the 32nd International Conference in 2015, and in recent years NGOs such as Action Contre la Faim (ACF), Norwegian Refugee Council (NRC), and others have developed papers and held conferences pointing to the relevance of humanitarian principles.[41] This renewed interest is likely due to the increased challenges that humanitarian actors face in carrying out their mission: the denial of access, insecurity for staff, and the instrumentalisation of aid by political actors for their ends have become part of daily practice. These issues may be more prominent in the context of armed conflict where principles such as impartiality and independence may be challenged by various parties, but this does not make the principles irrelevant in natural disaster contexts. They provide a guarantee for the government that operational actors do not pursue any other objectives than strict humanitarian ones. As one author observes, the increased frequency and destructiveness of disasters may make the humanitarian and relief sectors more prone to controversy.[42]

Neutrality

Within the NGO community, a recent debate took place on neutrality as a humanitarian principle. This debate emerged in the context of the drafting of the Core Humanitarian Standard (CHS), which has been a joint initiative to consolidate different sets of standards. Humanitarian principles would form the foundation for the new standard, but in discussing

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[38] This Code is formally titled: *Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief.*

[39] Principle 3 ("aid will not be used to further a particular political or religious standpoint") resembles neutrality but does not entirely capture it. See Peter Walker, Cracking the Code the genesis, use and future of the Code of Conduct, in: Disasters (2005), vol. 29 (4), p. 329

[40] As it is a Code of Conduct, it might be more accurate to speak of commitments, instead of principles. This is also reflected in its language, which often reads as "we shall…"

[41] See, for example, ACF, Humanitarian Principles in Conflict (2013, and NRC/HPG, Tools for the Job – Supporting Principled Humanitarian Action (2012)

[42] Papa Seck, Links between Natural Disasters, Humanitarian Assistance, and Disaster Risk Reduction: a critical perspective, UNDP Human Development Report Office Occasional Paper, 2007.

this foundation some NGO representatives said that they did not support the principle of neutrality. In their mind, this principle may interfere in the advocacy work delivered by their organisations. Drafts of the CHS omit to include neutrality.[43] This view on neutrality is reminiscent of the drafting of the Code of Conduct when some NGOs explained that their focus on development and social justice did not fit well with neutrality.[44] The CHS was launched in December 2014 and does include neutrality, but it refers to the view that it does not preclude advocacy on accountability and justice issues.[45]

In this way, the CHS skirts the issue: clearly, advocacy on humanitarian needs matches the requirement of not taking "sides in hostilities or engaging in controversies of a political, racial, religious or ideological nature." The ICRC is probably the best-known example of an organisation that views neutrality and messages pertaining to the need for the respect for international humanitarian law as highly compatible. Protection-related messages advocating for the respect for the rights of the disaster-affected population should be regarded as a standard part of the work of humanitarian actors. Advocacy on issues underlying the political context may, however, be perceived as outside the realm of humanitarian response. The critical line between advocacy that is and is not compatible with neutrality seems to lie around issues touching on solidarity or justice. Programmes on social justice, i.e. addressing inequalities in society, may be a step too far for humanitarian actors. What matters most, however, is the perception that local actors and populations have of humanitarian actors, and stating that one maintains the principle of neutrality is not enough.

Principled Humanitarian Action

This point reflects the views of others. Yves Daccord notes that "principled humanitarian action is nothing more than an empty mantra unless it is translated into a meaningful response on the ground."[46] The ICRC Director-General also questions whether everyone can or should claim to deliver principled humanitarian action.[47] For example, the UN agencies and other (political or military) actors may find it difficult to maintain principles such as neutrality and independence. Interestingly, it is precisely the UN strategies and country plans that note the commitment to delivering principled humanitarian action.

It has been said that the principles of humanity and impartiality are the most crucial principles relevant for all actors, but even the principle of impartiality may be hard to realise. The aspect of proportionality which dictates that humanitarian aid should be given first to those who need it most may be an issue if a government or other relevant authorities insist that aid should be provided to other communities. Donors, including private donors, may also have their expectations on where aid should be delivered. This reality is one in which humanitarian actors should be more open and transparent on the compromises they make in managing competing interests.

Other than the debate on the classic humanitarian principles, recent discussions in the context of the World Humanitarian Summit have suggested recognising accountability as a humanitarian principle.[48] Another principle that has been put forward by some as relevant

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[43] Core Humanitarian Standard on Quality and Accountability, Draft 2, 17 June 2014 and Final Draft 3, 1 October 2014

[44] Walker, p. 329

[45] Footnote 5, p 8. CHS, first edition, 2014.

[46] Yves Daccord, Humanitarian Action in a Changing landscape: fit for purpose

[47] See Chatham House, Is there still a place for impartial humanitarianism, transcript, Q&A, September 2014; see also NRC, Round-table summary report, principled humanitarian action, what does it mean today? 2012

[48] See WHS, regional consultations, North and South-East Asia, co-Chair summary, p.2

in the context of humanitarian response is subsidiarity. The German government refers to this proposed principle when explaining that the German government "only provides humanitarian aid where the government of a country hit by disaster is unwilling or unable to do so itself."[49]

Universality is perhaps the most delicate issue related to humanitarian principles.It is one of the seven Fundamental Principles of the Red Cross and Red Crescent Movement and it refers to the national societies having equal status and responsibilities in the movement. It is noted that this aspect of universality within the movement reflects the universality of suffering: humanitarian needs have no borders.[50] This being said, there is an increased tendency to call into question the universality of humanitarian principles. In particular, some faith-based organisations and networks with Muslim backgrounds have raised questions in this respect, and they see humanitarian action as part of a Western agenda.[51] Some have rooted the 1994 Code of Conduct in Islamic principles.[52] Additionally, work done by the ICRC has revealed that there are commonalities between humanitarian and Islamic principles. Whatever can be said about these initiatives, it is clear that any new dialogues on global humanitarian action should strive to be as inclusive as possible in terms of inviting new or emerging humanitarian actors for these forums, in order to avoid being seen as elitist or imposing a Western view.

IV   The Development of Standards and the Concept of Accountability

There is no shortage of codes, standards, or other initiatives that seek to improve the quality and accountability of humanitarian response and those who provide it. A recent mapping exercise identified more than 70 initiatives relevant to humanitarian response.[53] Many of these initiatives, which often find their origin within civil society, look at general issues relating to the management of NGOs or accountability and financial management. Others have a specific focus on humanitarian response. The 1994 *Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief* (hereafter: the Code) and the *Sphere Project Humanitarian Charter and Minimum Standards in Humanitarian Response* as the most well-known examples.

The initiative to develop the Code was taken upon a recommendation from the French Red Cross, which sponsored a resolution calling on the IFRC to "set up a group of experts to study the possibility of elaborating a Code of Conduct relative to humanitarian aid in situations of natural and technological disasters."[54] The triggering factor for the Code's proposal was the significant rise in the number of actors delivering humanitarian assistance. Peter Walker — a senior IFRC representative at the time and one of the main driving forces of the Code — describes that the IFRC initially looked at the UN to take the lead in developing the Code, but instead found the Steering Committee for Humanitarian Response to be a suitable inter-

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[49] http://www.auswaertiges-amt.de/EN/Aussenpolitik/HumanitaereHilfe/Tipps_Hilfsorganisationen_node.html

[50] ICRC, the Fundamental Principles of the Red Cross and Red Crescent, ICRC publication, ref. 0513, 1996, p. 17.

[51] See Zezen Zaenal Mutaqin, What is Islamic Humanitarianism? And Indonesian Experience, in The Korean Journal of Humanitarian Law, Vol. 33, (2013), pp 62-80.

[52] In consultation with the Organisation for Islamic Cooperation (OIC), a number of organisations, led by the Turkish NGO IHH have worked on a Code of Conduct for Islamic NGOs. See Humanitarian Forum, http://www.humanitarianforum.org/pages/en/humanitarian-standards.html

[53] Liza Cragg, Mapping Exercise on Quality and Accountability initiatives in the humanitarian sector, prepared for the Joint Standards Initiative, December 2012.

[54] See Peter Walker, Cracking the Code: the genesis, use and future of the Code of Conduct, in: Disasters (2005), vol. 29 (4), p. 326

agency grouping to take the initiative forward. The Code, which was launched in 1994, received formal recognition in 1995, when the 26th International Conference of the Red Cross and Red Crescent welcomed the Code.[55]

The Sphere Project has been described as the technological elaboration of the Code.[56] Walker and Susan Purdin, the first Sphere project manager, provide an extensive historical description of the origins of the Sphere Project, which sought to elaborate a Humanitarian Charter and an associated set of minimum standards. People affected by disasters or armed conflict have a right to receive assistance and protection, and the Sphere Handbook seeks to translate this right into more specific entitlements. The Handbook has seen 4 editions, numerous translations, and is (still) regarded as the flagship publication in terms of developing a common language for the humanitarian community.

Standards and Compliance

Both the Code of Conduct and the Sphere Project lack, however, an oversight mechanism that monitors compliance with the norms they set. The Code of Conduct offers the option to sign on to it, and more than 500 organisations have done so. While this high number of signatories can be regarded as good news, several may have been motivated to submit their signature because it is a condition for receiving funding from some donors.[57] The IFRC acts as the repository for these signatures, but it only verifies the signatory's existence, and does so by checking if they have a website.

The question on whether or not the Sphere Project should set up a mechanism for monitoring compliance with the standards almost led to its near-demise in the early 00's. A sharp difference in views among Sphere management committee members emerged between two **sides**: those favouring an approach in which adhering to standards is voluntary, and those advocating that standards should have a more compulsory character, accompanied by a system for verification (or compliance) and certification. As in the case of the Code, the Sphere Project decided not to set up a system for monitoring compliance.

This decision was a disappointment for those favouring a more robust approach to accountability. It led to creation of the Humanitarian Accountability Partnership-International (HAP), which was established in 2003 as a successor to the Humanitarian Accountability Project. From its start in 2003, HAP concentrated on developing accountability principles and it released the HAP Standard in Humanitarian Accountability and Quality Management in 2007, which was revised in 2010.

The unresolved issue on whether humanitarian standards should be voluntary or compulsory was the subject of a further intense debate within the NGO community that heated up over the course of 2012. This time, the debate centred on two issues: the need for one commonly accepted standard, and a related international model for certification. In describing its objective, the Joint Standards Initiative (JSI) — set up by three NGO quality and accountability groupings — noted the dramatic change in the number of standards from an absence of standards in the early 1990s to more than 70 standards available to humanitarian workers in 2013.[58] Hence, at its outset, the JSI initiative advocated for the need for

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[55] 26th International Conference 1995, Resolution 4, para E-2.

[56] SCHR Project Proposal, Op. cit. Peter Walker and Susan Purdin, Birthing Sphere, in Disasters (2004) vol 28 (2), p. 101

[57] Donors such as the European Commission Humanitarian Office (ECHO) have signing of the Code as a criterion for NGOs to become an ECHO partner.

[58] See Introduction to the Joint Standards Initiative (JSI). The JSI initiative was set up by HAP, People In Aid and the Sphere Project. <http://www.jointstandards.org/about>

consolidation in order to reduce the (alleged) confusion caused by the multitude of standards. While it was part of the inception and launch phases, the Sphere Project decided to pull out of the process mid-way, as it found that the consolidation effort left sufficient room for different approaches to standards.[59] It later reversed this decision.[60]

The core humanitarian standard (CHS), initiated by the JSI, was launched in Copenhagen in December 2014. One of the questions that will be asked in the coming months and years is whether the CHS has succeeded in its ambition to become a one-stop source for standards. Those who welcomed the launch have commended the CHS for its simple and straightforward character, as well as its potential practical use as a programming and evaluation tool.

As witnessed by the opting in and out of the Sphere Project, the development and launch of the CHS has not been without controversy. On the eve of the launch, a group of French NGOs issued a statement expressing concern that the new norm looks like a "downgrading consensus and [it] does not demonstrate how quality improvement will actually be achieved in practice."[61] The French NGO statement also welcomed the suggestion that the CHS exist alongside other standards, which the NGOs say reflects the diversity of the sector and implies that "organisations will retain the freedom to choose their own operational, methodological and sector-based guidelines." Representatives of Médecins Sans Frontières (MSF) also made the point on the lack of relevance, lamenting that the CHS commitments looked like "a consensus-based lowest common denominator."[62]

Certification

Those within the sector who favour more robust accountability mechanisms often point to certification as the way forward. HAP has been spearheading this view since its inception, and recommends that principles be accompanied by a process of certification. HAP began offering certification to its members shortly after the release of the 2007 HAP Standard. Between 2007 and 2014, 18 NGOs received the HAP seal of approval.[63] This limited number represents the controversial character of certification. The controversy goes back to the earlier mentioned divergence of views on self-regulation versus an external system for accreditation or certification.

The controversy on certification as an accountability mechanism also appeared in the context of the Joint Standard Initiative. Parallel to this initiative, the SCHR decided to conduct a certification review process. It was formally kept separate from the JSI, but it involved a number of the same organisations, and the outcome of it was shared publicly at the CHS launch event in Copenhagen. The SCHR certification review's results include both a proposal for a common verification framework to report on how principles, results and accountability are being applied by organisations, and a proposal for an effective and

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[59] HAP, People In Aid, and the Sphere Project on the harmonisation of humanitarian standards, 29 November 2013. <http://www.sphereproject.org/sphere/en/news/statement-from-hap-people-in-aid-and-the-sphere-project-on-the-harmonisation-of-humanitarian-standards/>

[60] Sphere renews its involvement in the Core Humanitarian Standard, Interview with Unni Krishnan, 19 June 2014, Sphere Project website

[61] Pre-Copenhagen communication, signed by ACF International, Croix Rouge Francaise, Handicap International, MdM, Première Urgence, Solidarites International, Secours Islamique France, and Triangle Generation Humanitaire, 10 December 2014.

[62] Sandrine Tiller and Arjan Hehenkamp, The painfully obvious Core Humanitarian Standards highlight a humanitarian system that's out of touch, MSF UK, 30 October 2014, http://www.msf.org.uk/article/opinion-and-debate-the-painfully-obvious-core-humanitarian-standards-highlight-a

[63] According to the data found on http://www.hapinternational.org/what-we-do/certification/certified-organisations.aspx

appropriate certification model which promotes learning, quality assurance and accountability of humanitarian organisations, including criteria to assess and measure capacity, performance and accountability.[64]

The SCHR proposal was both welcomed and criticised. Those who welcomed the proposal noted its potential to encourage organisations to deliver higher quality programmes. One NGO representative explained that it will help the network — of which his organisation is a member — to build more internal coherence. Those who were more sceptical wondered about the added value of certification, and whether or not it would lead to inequality among NGOs.

The debate on certification became topical again following the Haiti earthquake, in which it was felt that the response included a number of less than competent and qualified organisations. But certification remains controversial for several reasons, one of which is the definition of the problem that certification is expected to address. Can it prevent a chaotic situation in terms of the numbers and types of actors showing up in a disaster response?

A certification mechanism put in the hands of the government of the disaster-affected country could be used as a 'gate-keeping' mechanism, allowing it to decide which organisations can operate in the country. It could help the government to determine which ones it should register, or provide with authorisations to work. In some situations, OCHA has been asked to assist the government in developing a list of NGOs that it should authorise to operate in a certain area- something that OCHA has been very reluctant to do. Interestingly, Article 2 of OCHA's *Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance* includes a reference to "organizations certified by the UN as *bona fide* participants within the framework of a United Nations relief operation" and Annex 2 is, in fact, a model for a UN certificate. It remains unclear whether such a certificate would be provided only to those organisations working in a contractual relationship, as UN implementing partners, or to a wider group of actors.

The SCHR commissioned some preliminary research, which looked at the views of national government authorities on certification.[65] The paper notes that "perspectives of national authorities are particularly important to discussions about NGO certification given the primary role of crisis-affected States in the initiation, coordination, and implementation of humanitarian assistance within their territories."[66] It recommends close engagement with governments of affected countries on quality assurance standards, for example through technical support. For the SCHR this has meant so far to consult with government authorities during the four country visits that were taken as part of the SCHR review.[67] As recommended, no further consultations process has been set up so far. An SCHR paper written on the Certification Review Project notes that "governments were clear that they were not interested in any certification system that undermined or diminished their primary role and responsibility to supervise and coordinate humanitarian assistance."[68] This paper goes on, highlighting that "governments were wary of any initiative that might de facto confer powers on NGOs, through certification, to supersede or bypass national laws […]."

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[64] See SCHR certification project, SCHR website <http://schr.info/certification>

[65] Stacey White, The Views of National Authorities on Global NGO Certification: a scoping study, draft report, June 2013.

[66] Ibid. p. 2.

[67] The Certification Review Project undertook 4 pilot studies in: DR Congo, Ethiopia, Pakistan, and the Philippines. See <www.schr.info>

[68] Philip Tamminga, What would external verification and certification against the CHS look like from the perspective of different stakeholders?, SCHR Certification Review Project, 30 September 2014, <www.schr.info>

Donor governments could use certification as a criterion to decide which organisations they should financially support. It could even become a requirement for organisations to be eligible for certain donors' funding. Some donor governments, in particular Denmark, have been staunch supporters of the idea of a global certification mechanism. Representatives from the Danish government have repeatedly said in meetings that they will only fund certified NGOs in the future. Other donors, however, may be more reluctant to go this far. The SCHR paper on the views of different stakeholders on certification explains that certification could complement donors' own decision-making processes, as donors already have a number of criteria in place that are used to determine whether or not an organisation should benefit from their funding. The paper notes that certification "does provide a useful framework for donors that may want to expand the number of partners in the future […]."[69]

This last point raises an essential question: is certification an inclusive vetting process, or an exclusive one? In essence, do those who promote the vision of certification expect that it will weed the less competent actors out from those who make up the humanitarian community? In this respect, certification serves as an accountability tool. Or, is it seen as an inclusive process in the sense that it will encourage organisations to enhance their competencies and skills? Seen this way, certification would be a learning tool and/or incentive to strengthen organisational capacities.[70]

The IFRC's work with national societies towards a system for certification makes it look as though they intend to use it towards the latter. The objective of the IFRC's Organisational Capacity Assessment and Certification process (OCAC) is "to enable national societies to assess their own capacity and performance so as to determine the best approaches for their self-development, and also to acknowledge those national societies that have reached a high level of proficiency."[71]

The SCHR proposal put forward in Copenhagen sees certification as a process of self-regulation. Self-regulation has a number of well-known pros and cons. One clear advantage is that those who develop it — in this case the NGO community — will have in-depth knowledge on the precise issues. It also demonstrates that NGOs are making an effort to get their act together, contrary to popular belief that coordination is near to impossible. But there are also downsides, such as the point that self-regulation will have to be based on consensus, which, as noted by some in relation to the CHS, may have the implication that the quality of the standards can be called into question. Another issue may be that those who set the standards should not do the certification or undertake the verification of the standards, as there may be a lack of objectivity. To have the certification body in the form of a membership organisation, as seen in the case of HAP, may further raise questions with regard to the independence of assessments. The SCHR will have to address these issues and come up with a proposal for an entity that has sufficient credibility and reputation, as well as independence.

Accountability to Affected Populations

One form of accountability in humanitarian response that has received specific attention in the last several years is accountability to affected populations. It is by no means a new topic as it was given attention by the *Joint Evaluation of Emergency Assistance to Rwanda*, which

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[69] Ibid.

[70] One participant in the Copenhagen meeting seriously questioned this use of certification when he noted that "learning requires learning tools" (which are different from accountability tools).

[71] Quote taken from internal IFRC documentation.

recommended a system whereby complaints about agency performance could be brought before an independent authority.[72] In essence, claimants would have access to submit complaints about the assistance they are entitled to receive. This recommendation led to the creation of the Humanitarian Ombudsman Project initiated by several UK-based organisations and housed by the British Red Cross. Following three years of research and consultation, it was transformed into the Humanitarian Accountability Project and moved to Geneva.[73]

The reference to accountability to affected populations in the Transformative Agenda was one major factor to its rise in priority on the agenda. The TA 'chapeau document' reads: "the IASC Principals are committed to the ultimate objective of accountability to beneficiaries by ensuring that the humanitarian response delivers life-saving assistance to those in need as the result of effective and timely decision-making and planning". The heads of the agencies that are part of the IASC (known as the IASC Principals) adopted 5 commitments that were later translated into tools and an operational framework.[74] In reviewing progress on the ground with regards to the TA, it has been repeatedly concluded that although some progress has been made in terms of implementing the concept of accountability to affected populations, a lot more needs to be done, especially collectively, to advance on this priority.[75] As one IASC peer review report notes: "being accountable to affected people is not just about how individual organizations implement projects. It is also about how accountable the system is in coordinating its response."[76] This finding highly resonates with the views of those involved in the debate on accountability to affected populations. It has been treated as an individual agency responsibility in relation to its specific projects, instead of as a collective, inter-agency priority. Also, because the issue is a policy priority, beneficiary accountability may be addressed in the first months of a crisis, but may drop off the agenda as time goes by. An independent review on accountability of the aid efforts in Haiti reports that in the months after the earthquake HAP and several large NGOs had accountability focal points or teams on the ground. "But today, with donor funding leaving the country and organisations closing operations or downsizing programs, the accountability picture is bleak," the report says.[77]

It should be added that in the relationship with affected populations, financial accountability remains an important aspect. It is common practice for the international community to hold an international donor conference following a (large-scale) disaster. Pledges of (high) sums of money may be headlines in international media, but if the population does not see these pledges translated into delivery on the ground, they may quickly lose trust in the international actors. This also applies to the relevant authorities, who noted that they frequently see announcements of humanitarian funding and planned activities from agencies on international websites such as Reliefweb and the OCHA Financial Tracking Service, but have very little information and means to verify what is actually done with these funds.[78]

While accountability to affected populations is beyond question in terms of its moral and ethical importance, questions can be asked about the exact content and implications of the

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[72] See Recommendation 13, The Joint Evaluation of Emergency Assistance to Rwanda, Study III, Principals Findings and Recommendations, Relief and Rehabilitation Network, Network Paper 16, June 1996. p. 26.

[73] See Deborah Doane, the Humanitarian Accountability Project, a Voice for People Affected by Disaster and Armed Conflict, in: Humanitarian Exchange Magazine, Issue 17, October 2000, p. 19.

[74] IASC, Tools to assist in implementing the IASC AAP commitments (2012), IASC, The Operational Framework.

[75] Three IASC Operational Peer Reviews done for L3 crises in 2014 come up with very similar findings. These reports are on file with the author.

[76] IASC, Operational Peer Review, internal report, Response to the Crisis in the Central African Republic, March 2014. (On file with the author).

[77] DARA/Keystone, The Listen and Learn Project, Improving Aid Accountability in Haiti, 2014.

[78] DRD Background study, *supra* note 32, p. 18

concept. It is clear that in implementing the concept, humanitarian actors are expected to consult with representatives of the disaster-affected communities continuously and throughout the duration of their activities. As the IASC Tools explain, agencies need to ensure that they have mechanisms to share information handle complaints (in local languages), and that they have policies and procedures to protect beneficiaries from exploitation and abuse by staff. Implementing such measures, however, is not as straightforward as it seems. Agencies may be tempted to consult only with the population they have identified as the beneficiaries of their programs. They may see consultation and participation as one-off events, such as a focus group session. Or, worse, in the unusual event of a member getting fired for inappropriate (abusive) behaviour, this individual may be able to find a similar job with another organisation.

Another issue that may require further attention in the context of accountability to affected populations is the role of the state. Documents such as the CHS — that have this as a central theme — pay surprisingly little attention to this issue. After all, the state has the primary duty to assist and protect its citizens. If the state is unable or unwilling to do so, humanitarian actors may step in. They substitute for the state, especially when the capacity of the governments appears to be weak. As noted, there can be no doubt that humanitarian actors are accountable towards crisis-affected populations. However, by placing too much emphasis on this relationship, we risk ignoring both the accountability of humanitarian organisations towards the disaster-affected state, as well as the overlooking of the relationship between the state and its citizens.

V   Conclusion

The establishment of the international framework regulating humanitarian action in response to natural disasters has seen great progress in the last two decades. It has moved into the direction of becoming a more predictable and effective system. If this system is seen as a jigsaw, many of the pieces have been developed and seem to fit well with each other. Admittedly, not all of the pieces have been found yet, and others still need further shaping.

First, depending on the context, offers of international assistance and/or the entry of international responders may create confusion with the host authorities. The international community has a number of mechanisms, such as UNDAC, processes, and disaster preparedness planning at its disposal that, could help to mitigate the confusion. Unfortunately, these opportunities are not sufficiently used.

Secondly — as this paper has shown — coordination of the system has been emphasised as a priority in the last decade. As a result, much has improved in terms of the international machinery, with tools and structures put in place. The international coordination mechanisms are often insufficiently connected to those that exist locally, in disaster affected countries. Governments of these countries may feel overwhelmed by the international community. In addition, the international coordination mechanisms do not always function effectively and efficiently as leadership is lacking or strategies, priorities remain vague. In places where there is a multitude of (diverse) actors, coordination may be a particular challenge.

Principles and standards guiding humanitarian response make up the third major section of the jigsaw, and will always remain a topic for discussion — for reasons both good and bad. While there is general agreement on the core principles: humanity, impartiality, neutrality, and independence, there are proposals circulating for adding more principles or reviewing existing definitions.

In an effort to strengthen quality and accountability, a multitude of standards have been created. The CHS tries to create clarity by consolidating a range of standards, but the main question will remain its implementation on the ground. Much attention has been spent on ensuring that humanitarian actors meet the principles and standards to which they have committed. However, the question of how best to ensure compliance remains unresolved. Certification is a particular bone of contention among NGOs. It remains unclear if it is 'just' a tool for self-regulation or a mechanism that helps others, governments of disaster-affected countries and/or donor governments, to decide with which organisations they should work as partners.

As this paper notes, governments of disaster-affected countries have not been sufficiently involved in the debate on the quality and accountability of humanitarian response. This also counts for the concept of accountability of humanitarian actors towards disaster-affected people. It is good news that this topic has been moved up on the agenda, but more work needs to be done in terms of implementing it in a practical way and understanding the implications of it.

In sum, the contours of the picture that the jigsaw represents have become clear. But some of the pieces need more shaping, if not complemented by others.